

V. ADMINISTRATIVE INFORMATION (CONTINUED)

Royalty Repayment Exemption

At the discretion of the Commission, a research project may be exempted from the general royalty requirements of this RFP if:

The research project in question is primarily expected to produce new knowledge and/or understanding of the subject under study, rather than any commercial application of that knowledge, within the next 10 years (e.g., basic research); and

The Bidder agrees to place all intellectual property developed from the project into the public domain.

To request exemption from the royalty repayment requirement, the Bidder must check the exemption box on **Attachment 1: Application and Project Information Form** (section 6) and must provide an explanation on **Attachment 6**b for the applicable project****.

Equipment Purchases

We recommend that you use your own funds as well as other sources of funds which would be considered match funds to procure and/or build equipment. If State funds are used to purchase or build equipment, the State retains ownership interest in the equipment. (See Section VI *Key Words and Their Definitions* and the PIER Agreement Terms and Conditions for specific requirements.)¹

Treatment of Confidential Information

Other than providing a list of the proposals that passed and failed Stage 1, the entire evaluation process from receipt of proposals to the posting of the Notice of Proposed Award after Stage 2 is confidential. However, proposals and all submittals will become public records after the Commission completes the evaluation and/or scoring process and the Notice of Proposed Awards is posted or the RFP is cancelled.

After the posting of the Notice of Proposed Awards, confidential materials submitted by unsuccessful Bidders will be destroyed and/or returned. The Commission will not retain confidential submittals from unsuccessful Bidders.

Confidential materials submitted by successful Bidders will be kept confidential, pending incorporation of confidentiality determination as part of the subsequent PIER Agreement as appropriate.

A complete application for confidentiality pursuant to Title 20, California Code of Regulations, sections 2505 may be required prior to DGS approval of the Agreement at the option of the Commission. These confidentiality specifications and procedures are issued in accordance with Title 20, California Code of Regulations, section 2501 et seq.

Information Considered Confidential

Consistent with its confidentiality regulations, and the California Public Records Act (Government Code Section 6250 et. seq), the Commission generally will grant confidential treatment for information that is essential to understanding the proposal, clarifies the status of technology prior to Agreement work, or will be an Agreement deliverable that is information typically held in confidence. Examples include:

- Information that is patent pending (until a patent has been approved), including patent application numbers
- Technical trade secrets (e.g., detailed technical drawings)
- Marketing/business trade secrets (e.g., energy use data for an individual commercial or industrial facility, pending strategic partnerships with manufacturers)
- Economic/financial trade secrets (e.g., income tax records).

¹ Posted on the Commission website: energy.ca.gov/contracts. PIER Terms and Conditions for specific requirements.